

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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BERKSHIRE LIFE INSURANCE COMPANY
OF AMERICA,

Plaintiff,

-against-

STEVE E. OCHS,

Defendant.

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HURLEY, Senior District Judge:

Before the Court is defendant Steve E. Och's motion for leave to file a third-party complaint against Professional Financial Planners, LLC and Lawrence H. Hurwitz. On December 7, 2007, the Court referred defendant's motion to Magistrate Judge William D. Wall for a report and recommendation. On March 25, 2008, Judge Wall issued a Report and Recommendation that the motion be granted in part and denied in part. Both plaintiff and defendant have advised the Court, via oral communications through counsel, that they do not intend to file objections to the Report and Recommendation.

Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, this Court has reviewed the Report and Recommendation for clear error, and finding none, now concurs in both its reasoning and result. Accordingly, this Court adopts the March 25, 2008 Report and Recommendation in its entirety. Accordingly, defendant's motion for leave to file a third-party complaint (docket no. 24) is denied as to the first proposed cause of

ORDER

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action and granted as to the second and third proposed causes of action.

SO ORDERED.

Dated: Central Islip, N.Y.
March 31, 2008

/s/

Denis R. Hurley,
United States District Judge